

26th November 1949]

(2) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1949
(L.A. BILL NO. 27 OF 1949).

THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
*‘ that the Madras Prohibition (Amendment) Bill^a, 1949, as
passed by the Legislative Assembly be taken into consi-
deration at once ’.*”

DR. V. K. JOHN :—“ Might I ask, Sir, why the Education Minister is moving this Bill? ”

* THE HON. SRI K. MADHAVA MENON :—“ Because I am also the Law Minister. Urgent business called the Minister for Prohibition to Delhi and that is the additional reason and I request the indulgence of the House for moving the Bill.

“ This also, Sir, is one of those Bills which have been dead by the extension having been made and it has to be rectified. The Prohibition Act of 1937 was amended by Madras Act III of 1948. There was section 17-A which empowers the Government to exempt members of the armed forces from the provisions of the Act. When the amendment was brought, the reason was given why the Government wanted the exemption to armed forces from all or any of the provisions of the Act. It was in force for two years from 1st October 1946 and it was being extended from time to time. That extension has been held to be invalid and so an ordinance was issued and this is only re-enacting section 17-A by a Bill.”

THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Madras Prohibition (Amendment) Bill, 1949, as passed by the Legislative Assembly be taken into consideration at once ’.”

* DR. V. K. JOHN :—“ Mr. Deputy President, this Bill makes me very sad and much depressed. The Bill says that the provisions of the Prohibition Act may not apply to the armed forces of the Indian Union. The position taken up by this Government regarding Prohibition is that drink is an evil and it is a poison; drink of any sort, toddy or arrack is poison. But they provide by means of this Act that such poison could be given to the armed forces. In a free country, the armed forces are there to protect us from foreign aggression and also from internal disorders and for such armed forces, the Government are saying that poison can be administered to them. What is the real reason why the India Government want drinks to be given to their armed forces? The Government of India and their advisers—and I hope among them there are many eminent medical men and they know what is best for the men—know that what the Madras Government have done is a fad; the introduction of Prohibition is a fad and what is necessary for the health, vigour, happiness and spirit of the armed forces is to give them some drink. That is what their medical

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advisers felt about it. They felt that the armed forces of the country must have drink to fight our battles but on the other hand, the Government of Madras say that the poor labouring classes should not have toddy and they should not have drinks for carrying on their battle for more production. There is great inconsistency and I ask, Sir, this Government, now that Prohibition has been in force for some time and Collector after Collector have reported to the Government that the enthusiasm of the people is not behind the policy of Prohibition but has only resulted in the establishment—the successful establishment—of cottage industry for illicit distillation, whether it has not demoralised the people. A former Minister for Prohibition said women and children have also taken to drink because illicit arrack is produced in the house from all sorts of things, rice, jaggery, plantains and anything like that including bark. I do not mind if the Government make mistakes but let them reconsider their policy. It is nothing wrong in your failing in Prohibition while other countries like Sweden and America failed. Let the Government point out that Prohibition was successfully enforced but if the Government failed, are they going to lose Rs. 20 crores every year while illicit distillation is going on? If we ask for anything, sanitary amenities, irrigation, education, wells, industrial development, medical facilities and other nation-building activities, Government immediately say: No money. Why? Because, on account of this experiment,—the introduction of Prohibition—we have lost Rs. 20 crores and I ask the Government to reconsider their decision and tell us how it is; let them investigate and, if they have been successful, let them say we have been successful in the enforcement of Prohibition. But if, on the other hand, your own officers say that you have not been successful and you cannot change human nature, you are not having the co-operation of the people and the enthusiasm of the people is not behind you; and there is lot of illicit distillation; then, why not you reconsider the decision you have taken? At least ration toddy and see that you do not lose your revenues and they get their drink all right. It is high time that the Government should reconsider their policy. The Hon. Minister Mr. Madhava Menon, in reply to the debate on the previous Bill, said that they had given their promise to the people that they would do this and that thing but I ask him whether he had said that he would nationalize although they would lose or that he would introduce Prohibition although the result would be that there will be lot of illicit distillation. It is no use saying: We have promised and we cannot go back. Will any Government say that, Sir, I ask. Men are human. If pursuant to the promise they had given they had worked and found that it did not work, have not they the courage to tell the people, their own electorate: 'We have tried this but it has not been successful, you are not co-operating with us and we cannot lose revenue while at the same time people are drinking illicit drinks: we have not sufficient money for carrying out our nation-building activities?' Could not they tell the people all this and convince them? Are they not

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leaders of public opinion? Why should they be feeling: 'We have made our promises and we have to carry them out irrespective of consequences?' While they said they would introduce Prohibition, did they also say that they would introduce illicit distillation side by side with it? After all they have worked the scheme and even if it is not a failure, what is the harm in appointing a committee to go into the question and find out what has been the result of Prohibition. After all are not the white people, the Russians, the British, the Americans, all nations the world over, are not all these virile in spite of their taking drinks? I do not see anything wrong or faulty about it. You know, Sir, Prof. Haldane, the greatest authority on Biology has said that toddy contains Vitamin B and it is very good for the people to take it. Not even ten per cent of the population of this country drink and all the world over, from the time of Adam, they have been drinking and it has not ruined their health but they have been keeping happy, fit and quite healthy with a long age span."

THE HON. SRI K. MADHAVA MENON :—" My friend is sufficiently virile even without it."

* DR. V. K. JOHN :—" I might be more virile if I have it.

" Why not we go back, if it is found it had not worked up to your expectations? They have mixed up this with Gandhism. He was a human being and he also had his views. He asked you to decontrol and a short time afterwards did you not see that the price of all controlled commodities decontrolled went three and fourfold. If we had continued under the system of control, the index number which stands at 300 and 320 would not have been so high. He gave advice and we are human and we carried out his advice and what I ask you now is not to persist in a policy which has resulted in huge loss of revenue and at the same time encouraged illicit distillation; let them not do it; let them not say: . . . let it go, we have given a promise and we must persist . . . If they do like that, it will be very difficult for them to go back. I read in the papers that the Collector of South Kanara has reported that illicit distillation was on the increase and it is like that in Salem and many other districts. The point is that if there are a hundred illicit distillation cases, only 10 are found out and then are your very Prohibition Officers free from it? They know the taste and happiness of it. A seizure is effected and where it goes nobody knows. It is demoralizing everybody—the giver and the taker. Sir, the Hon. Ministers sitting here cannot know everything that is happening in the villages. I shall tell the House what happened last October. I went from Mathurai in a car to Kodai-kanal. On the way one of the tyres punctured at about 5-30 p.m. very near the Kodaikanal railway station. I had to stop there to get the tyre replaced. There were forty or fifty people, men, women and children, who stood round my car watching it repaired. First I inquired from the men about their earning and saving. Then I joked with the womenfolk and asked them whether they

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were now happy as they were not beaten by their husbands in a drunken mood. They all laughed over it. After a little time an elderly man came slowly near me and asked me whether I am one of the Ministers. (Laughter.) I said, 'fortunately not.' (Laughter.) He then said, 'I tell you, these Ministers have no knowledge at all.' (Laughter.) 'It is not that the whole village was drinking. We have a hundred to two hundred souls in our village. Only one per cent used to get drink. Perhaps one in the village was beating his wife. It is not that all of us beat our wives. Our wives are the mistresses of our house. If we earn one rupee, perhaps we took four annas and spent it on drink. We do not go in for costly foreign liquor. We drink only toddy. When we took that, we did not take any meal at night; next morning we awoke we ate a little of ragi, and then took some rice in the noon. Now when we have no drink we are not able to turn out as much work as before. In fact we are able to do only half or one-third of the work we did before. It was an enjoyment for us to drink; now that is absent and we are not so happy as before.' I asked the ladies whether what he said was true; and they affirmed it. Sir, this only shows the Ministers do not know the real village life in our province. Who knows, perhaps, some day, they may require people to dress in a particular way, or eat in a particular way. So, Sir, I ask the Hon. Ministers in friendship, not in opposition, in all earnestness this: let them reconsider the step they wish to take now. I do not ask them to repeal the measure. Let them see what happens if there is no Prohibition for some time. Let them not think of their prestige and credit. Sir, they introduce Prohibition for the average man; but they allow the armed forces and the medical officers attached to them to drink. I ask, 'is there any consistency in such an action?' Sir, they would, I know, take shelter under the Government of India recommendation in the matter. Now, Sir, it is provided that anybody who pays Rs. 500 would be given a permit for drinking. Is this fair. So, Sir, I say, let Government reconsider their stand. For, do they prefer illicit distillation to prevail under the cloak of Prohibition. Sir, this is inconsistent with the principle of Prohibition and inconsistent with their policy. They cannot defend it. They want to deny the peasant his drink, but they have no objection to giving drink to the armed forces and the medical officers attached to them, men whose duty it is to keep order in the province and protect the land from foreign aggression. Sir, it is these people who should not be allowed to drink if they are to discharge their duty properly and effectively. So it is their duty to tell the Government of India 'drink is poison, drink is injurious to the health of the people, so we cannot allow the armed forces and the military medical officers to drink, so long as they are in our province'. Instead of doing that they are agreeing to the recommendation of the Government of India. Sir, this shows, this Government has sunk low, has lost all consistency and has lost all sense of logic. I think it is no credit for this Government to take up that inconsistent position."

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* JANAB ABDUL LATIF FAROOKHI :—“ Mr. Deputy President, Sir, I rise to oppose this amending Bill. The only question that any sensible man would ask on reading this Bill is whether there is any sincerity behind this Bill. If the Government are sincere . . . ”

DR. V. K. JOHN :—“ I put the query, ‘ Do Government say they are sincere? ’ ”

* JANAB ABDUL LATIF FAROOKHI :—“ If the Government are sincere then Prohibition should first be introduced among the armed forces of our country instead of among the masses. If it is not done so, we run the risk of losing our hard-won freedom. Having achieved freedom we cannot now say that we will be non-violent whoever may attack us. So it is the armed forces which have to be kept clean first and which have to be purified. So I feel and in fact any man of commonsense would feel, and I am certain the Hon. Ministers also feel in their heart of hearts that Prohibition should be introduced first among the armed forces and the military medical men attached to them. But what do we find here? Exactly the reverse of that! They are exempt from the Prohibition Act. Sir, Prohibition is introduced for more reasons than one. One reason is given by the Leader of the Opposition; and that is, it is injurious to health, it is immoral to drink and it is a sin to drink. Mahatma Gandhi, being a great leader, thought that people should be spiritually trained so that they may have their morality improved; and therefore he said, ‘ people should not drink.’ Mahatma Gandhi did, what indeed our great teachers of old preached, ‘ thou shalt not drink.’ Now, Sir, the principle of morality, on which Prohibition is based, when pushed to its logical conclusion would show that what is bad for the common man is equally bad for the armed forces; or perhaps it is worse in their case. Therefore, Sir, our Hon. Ministers ought to have rejoiced that the Act has expired; but instead of doing that, they say, since it has expired, they want to revive it or rather give a new life to it.

“ Sir, it was reported in the Press that the Prime Minister of India was not in favour of Prohibition, and that he had asked the Provincial Government to go slow with respect to Prohibition and the abolition of betting. (Interruption by the Hon. Sri K. Madhava Menon.) I may remind my hon. Friend, a question was put in the other House asking Government whether it was a fact that instructions had been received from the Prime Minister of India asking this Government to go slow with Prohibition and betting on horses, and the Hon. Minister did not give any categorical reply to it. That is why I say, with due respect to the Prime Minister of India, we should stand on our prestige and tell him that this Government have introduced Prohibition and are not going to be dictated by anybody in the matter; on grounds of principle and morality this Government cannot allow anybody so long as he or she is within this province to drink, be he a member of the armed force or a medical officer attached to it.

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“ Sir, why this special privilege for the armed forces? Let us see what it was in the olden days, when there were our Hindu friends and Muslim friends in the army. They never drank liquor. It was only an evil introduced by a foreign government. It was they who brought this evil or rather this devil into this country. Now are our Government going to allow this devil to continue in our province contrary to our traditions and history? Sir, the hon. Leader of the Opposition said that when once you have introduced Prohibition, you should continue it to its logical conclusion. If there is prohibition for the masses, let there be prohibition for the classes. If there is prohibition for the ordinary man, let there be prohibition for the king and the armed forces. I am a Muslim and my religion preaches prohibition. Though I may be a drunkard and thereby a sinner, I would not advocate drink. It is not a question of Muslim or non-Muslim; it is not a question of one who is in favour of prohibition or one who is opposed to it. We have to look at it from the point of view of law. The reason for introducing the law is to make the people more happy, more prosperous and more moral. Why do the Government want power to exempt the armed forces from the effects of a beneficent law? Any law will no doubt provide for exemption. But in a law like this which aims at purification of the people, there should be no exemption. Why do the Government want to exempt the rich people? When they want to better the condition of poor people, do they want to degenerate the condition of rich people and make them paupers and beggars? If they take a permit fee of five hundred rupees and allow the rich to drink, they will be in very bad company and after sometime they will not be in a position to pay even five annas.

“ As I said, the law should be the same for the king as well as the peasant. I sincerely feel that this amending Bill should not at all be passed. Perhaps necessity compels the Government to sponsor it. But necessity should not stand in the way of thinking aright. I request the Hon. Minister in charge of the Bill to consider this question. I oppose the Bill.”

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. Deputy President, the Hon. Law Minister Mr. Madhava Menon has on more than one occasion shouldered the responsibility of his colleagues in a very chivalrous manner and piloted Bills with which he was not directly concerned. But I think on this occasion he had a great deal of trepidation in his own mind as to whether he was doing the right thing in moving this Bill, because this Bill is not good law. It is bad logic and the worst statecraft that I can dream of. I do not want to go into the merits of the question of prohibition or no prohibition. I have had opportunities of expressing my opinion on the floor of this House on more than one occasion. Prohibition may be a fad and even if it is a fad this Government have probably to stick to it for the time being so long as they sit on the Treasury Benches. What will happen to this fad afterwards is more than what I can say at present.

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I realize the ridiculousness of the position that this House is asked to take up in passing a measure of this kind. What does it mean? It is a confession that there is a section of the public who are not prepared to conform to the law of the land and that we should necessarily grant exemption as we have no control over them. The most disciplined part of the public is represented by the army. I should like to know under what conditions and for what considerations the Government are going to exempt members of the armed forces. If the clause says that the Government may exempt such persons as they deem necessary in the interests of their health, etc., I would have no quarrel. When we are asked to exempt the armed forces, we are asked to exempt only those members who are stationed in Southern India on such conditions as we may think fit. The emphasis is on being a member of the armed force and on nothing else. I say that this Bill, if passed, casts a serious reflection upon the armed forces themselves. I think it is a very undeserved reflection from whomsoever source might have emanated the suggestion for exempting the armed forces. May I in this connection repeat what has been said that the greatest necessity for this country to-day is a disciplined armed force built up on the tradition of implicit obedience to every law that is passed by the Government? If we do not make the armed forces realize that they should conform to the law of the land, but go on granting exemptions, a time will come when they will dominate this country and demand several exemptions whenever they think it necessary or desirable. Has the Cabinet taken this most important factor into serious consideration? Do they know what is happening in some other parts of the world? The armed forces are in fact dominating the countries and deciding the future of the governments of those countries. From that point of view I say it is unfortunate that this Government should have come forward with a Bill of this nature. When the first Congress Government introduced the Prohibition Bill in 1937, there might have been some justification to say that the armed forces should be exempted, because the armed forces of those days were composed of non-Indians to a very large extent. At least the top posts were with non-Indians. But to-day we have an armed force composed almost wholly of Indians. They are our own brothers. How are they different from us? Are not some of my relatives in the armed force? If I am to be prohibited from drink, what right have this Government to say that my brother serving in another capacity should not be prohibited from exercising that latitude which they do not want me to exercise? May I in this connection say what I was given to understand by a very very responsible person. The last advice that was given by Field Marshall Auchinleck, the Commander-in-Chief who was so long connected with the armed forces of this country, was: 'If you want to preserve your army, if you want to see that the armed force is a disciplined force always available to serve the best interests of the country, keep that army free from the temptation of drink.' That was the advice given. But what are we asked to do? To follow just the

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opposite and exempt the armed force! I say this is the first step and this is not at all the last step in legislation that will be demanded of the legislature if it yields. Therefore, in spite of the fact that the Government have brought in this Bill, I feel that every member of the House who has the interests of the country, the interests of the armed forces at heart must openly say that the Government must reconsider the Bill, that they must take sufficient time to consider all aspects of the question and see whether there are no points which deserve further consideration. Let not the Government always stand on prestige and say that the views of those who are unfortunately sitting opposite to them need not be given any due consideration even when they have a good plea to make. After all, we are working in a democracy. We are working for the future of our country. That future is a matter which concerns every section of the House. Let it not be understood that there is a responsibility cast on the Treasury Bench which is not felt by those who are not on the Treasury Bench. From every point of view, I foresee a dreadful future by a legislation of this nature being passed on the floor of this House. The Government must wake up and realize that facts are not fads. I shall not say more about this because I feel that this is not a question of mere expression of views but that there is a fundamental principle involved. If that fundamental principle is not taken into consideration now, we shall be going down the precipice at a rate which we cannot control and the future of this country which is already gloomy will become more gloomy indeed."

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, when we passed the Madras Act XII of 1948, it was the intention of the Government to restrict the concession to a particular period. From this Bill it looks—if I am wrong the Hon. Minister for Law will correct me—as if this exemption is to be given for ever and not for any particular period, because this Bill seeks to omit sub-section (3) of section 1 and section 3 of that Act. I do not remember the circumstances under which we agreed to the passing of the Amendment Act of 1948. The Hon. Minister for Law had not made out a good case to show why the Government felt it necessary to make the exemption absolute and for ever. He had no reasons to give. I feel it is dictated from above. Those of us who are in favour of the socio-economic measure of prohibition feel that those who stand by this great reform should not have yielded to the importunities or threats of the Government of India and come forward with this Bill. I know the Government have got a very weak case. They cannot defend this exemption on any ground except that they are forced to grant it by the Government of India. We feel that exemption, whether it be to the Armed forces or others, is wrong and should not be encouraged. Dr. A. Lakshmanaswami Mudaliyar in his own inimitable way pointed out what the effect of this exemption will be on the Armed forces themselves and pleaded that the Government should reconsider and not force this Bill through this House. Standing as they do committed to

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this great reform of prohibitions, I do not know with what face the Government can come and ask us to give exemption to the members of the armed force. To-morrow a new section 17-B may be introduced granting exemption to all officers of Government who were once addicted to drink. Once we begin to give exemption, there is no limit. It creates a craving in others also to seek exemption. I hope the Government will realise that those who oppose this Bill are as much actuated as they are in enforcing the reform which this House agreed to in 1937.

“ With these words, I oppose the Bill.”

MRS. MONA HENSMAN :—“ Mr. Deputy President, Sir, I have only a few remarks to offer on this Bill. After the so good, wise, eloquent and spirited speeches that have gone on before me, I have not much ground to cover. But I should like to address to you, Sir, on only one matter. If there is going to be no prohibition introduced for a certain section of the public, then let it be known that the Government have not introduced prohibition for the entire sections of the population of this Province and that the armed forces have been cut out, if that seems good to the Government. The Government may state their case in their own way but the people have understood it in their own way and we members of this House have understood that a Bill for Prohibition is for Prohibition for the Province as a whole. The Hon. Minister who is in charge of this portfolio knows that there are many officers of the Government who are at present in receipt of permits, exempting them from the operation of the Prohibition Act. There are many gentlemen and many officers of the Government in charge of the administration of Justice, in charge of Law and Order, and in charge of many other departments who have been given permits to drink because, Sir, they have produced a certificate from a doctor that they cannot go to sleep without their ‘night-cap.’ If that is the reason for allowing certain people to drink, let them face realities and say honestly and truly that he whose health is affected without drink might have it. Let the same rule be made applicable to the men in the army also. Let it be applied to the labourer in the field. I would therefore suggest one thing, Sir, and that is, that this Bill be sent back for reconsideration by the Government and I would press upon them this, not only in view of what has been said by many other Hon. Members who have preceded me, who know better than I do, but also because, the Hon. Minister in charge of Prohibition has been absent to-day. There is such a thing as saving one’s face and very probably he wants to save his face from this House and so he has asked the Hon. Minister for Law to pilot the Bill for him. Whatever that be, Sir, we do not ask the Hon. Minister for Law to withdraw this Bill altogether on the ground that it is illogical or that it is a travesty from the declared policy of the Government or that it is not understood by the public. No, Sir. But I only ask him to refer the Bill back for reconsideration by the members of the Treasury Bench, by the Hon. Premier and by all the authorities concerned, in view of the remarks that have been offered in this

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House, and also in view of the fact that the Minister for Prohibition is not here, because he alone can understand our objections and realize the sentiment of the Members of the House.

"Sir, I find that there has been a very great change in the Hon. Minister for Law at this moment; we know that he has been an out-and-out prohibitionist all along and so I submit, Sir, that this Bill be sent back for reconsideration by the Hon. Minister for Prohibition who is absent to-day."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"Sir, I beg to move under rule 106 of the Council Rules that this Bill be referred to a Select Committee of this House. The Hon. Minister for Law has moved that the Bill be taken into consideration at once. My point is that this cannot bind the House simply because of the Government motion that it be taken up for consideration at once. There is no reason to suppose that the Government motion will be accepted by the House. The proper and reasonable procedure that has been all along followed cannot be abrogated simply because the Government want that it should be taken up for consideration at once. It is my right, Sir, as a member of the House and it is a right that this House should zealously safeguard and you Mr. Deputy President, as the custodian of the rights and privileges of the House should see that our rights are safeguarded and that my motion is not treated as one that does not come within the purview of this House."

DR. V. K. JOHN:—"Mr. Deputy President, Rule 106 of the Council Rules says that any member may (if the Bill has not already been referred to a Select Committee of the Assembly, or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee. Therefore, Sir, a member can move an amendment for referring this Bill to a Select Committee under this Rule."

THE DEPUTY PRESIDENT:—"I think the motion will not be in order, because it is a motion not given notice of in proper time. It should have been done at the beginning of the discussion, but anyway I should like to have the opinion of the Government in this matter."

THE HON. SRI K. MADHAVA MENON:—"Mr. Deputy President, I think there is a separate rule for Bills coming from the Assembly to this House; and if any Bill that has not been referred to a Select Committee or a Joint Select Committee comes to this House, it is open to the House to refer it to a Select Committee, Sir. But however, I oppose this motion. Perhaps I may claim some notice, but I do not want to stand on that."

THE DEPUTY PRESIDENT:—"The point is that there is a motion before the House that the Bill be taken into consideration at once. But this must be considered as an amendment to it."

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THE HON. SRI K. MADHAVA MENON :—" It may be taken as an amendment, no doubt, Sir, to the main motion. Both the amendment and the motion can be discussed and voted upon, Sir."

SRI M. NARAYANA RAO :—" Mr. Deputy President, Sir, I must express that we are faced with a very embarrassing situation. We Congressmen have committed ourselves to the policy of prohibition and being a disciple of Gandhiji, I feel that we must do everything to make prohibition a complete success. Therefore a Bill like this giving exemption to a certain class of people is really not to my taste and it would really be embarrassing, if we are called upon to vote for it."

DR. V. K. JOHN :—" Sir, a Congress Member says that he is really being embarrassed by the Government."

SRI M. NARAYANA RAO :—" I think, Sir, that every Congress Member of the House will agree with me when I say that we are placed in a very difficult and delicate situation, because when total prohibition was introduced by the Government, we heartily supported it in both Houses, and felt that it was prohibition for the entire Province as a whole, without the exclusion of any section or class or community inhabiting this Province. To-day exemption is sought to be given to the members of the army. To-morrow the Government may come along and say that the reserve police force might be exempted from the provisions of this Act and the next day they might exempt the whole of the police force. Then what will become of the pledge we have given to the people and to the Congress? Once we allow this, then it will indeed lead to a very ugly situation. I would therefore strongly urge upon the Government to put up a strong plea to the Central Government that at least, as far as this Province is concerned, the armed forces should not be allowed to drink and that no general permission should be given to them, exempting them from the operation of this Act. If it is the intention of the Government that the members of the Army could drink as they like, then I submit, Sir, that they would go on drinking indiscriminately and there will be endless troubles to others. On the other hand it is the army that should be prevented from drinking, because it is there that drink has proved to be a greater evil. I do not think, Sir, that it is wise on the part of the Central Government to have chosen this move. Being a Central Government, perhaps they may have their own reasons, but Sir, we Congressmen who are wedded to prohibition must protest, and protest strongly against the move of the Central Government in this matter, and must urge upon them that they should release at least this Province from this obligation of exempting the armed forces from the provisions of this Act. We are indeed placed in an embarrassing and difficult situation because we are asked to vote against our own conscience in the name of party discipline."

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DR. V. K. JOHN :—" The hon. Member says that on account of party discipline they have to vote against their own conscience. What a miserable thing, Sir! "

SRI M. NARAYANA RAO :—" Sir, I must express my strong disapproval of this measure and I honestly feel that it would be against our conscience if we are asked to vote for this Bill."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Deputy President, Sir, the Prohibition Act, even now contains provisions for granting exemptions in certain cases. It does give power to the Government to grant permits if they are satisfied that it is necessary to allow a person to drink in the interests of his health and also foreigners who cannot do without it. This particular amendment of the Government is also of a permissive nature in that the Government can, by notification exempt the armed forces from the operation of this Act, if the armed forces are not permanently stationed here in this Province.

" Sir, the Indian army is under the control of the Central Government; some portions of the armed forces will be here for a few months and then they may go away to another Province and another set of force might come here and so in the case of armed forces, it is open to the Government to give a general exemption, instead of giving individual permits, because in the very nature of their service, they are itinerant. The exact wording of the amendment is that the Provincial Government may, by notification, and subject to such conditions as they think fit, exempt members of the armed forces of the Dominion of India or any other armed forces raised or maintained by the Dominion or attached to or operating with any of its armed forces, and the members of the medical or other staff attached to any of the armed forces, from all or any of the provisions of this Act," . . . and that . . . ' while issuing a notification, the Provincial Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punishable with imprisonment, etc.' Therefore, Sir, you will see that the amending legislation that is before the House is only a permissive legislation, hedged in by various conditions and limitations.

" Sir, it is very difficult for a person like me who feels that even the armed forces should not be allowed to drink, to pilot a Bill like this, because when once the Prohibition Act is there, it is more or less binding on all people, and only those who cannot get on without drink, should alone be given a permit. But, Sir, there are certain things which are beyond our control and here the armed forces are not under our control but are under the control of the Government of India. And so, when they move from place to place, certain occasions might arise when they would be stationed in this Province temporarily, and it will be necessary for us to give some exemption to them for the temporary period, because this

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legislation is not in force in all other Provinces, and it is neither practicable nor necessary to enforce this Act throughout the entire army for this temporary period."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Are not the armed forces subject to the ordinary laws of the Province so long as they are stationed here, and if they commit any offence in this Province, are they not tried under these provincial laws?"

* THE HON. SRI K. MADHAVA MENON:—"That is quite right, Sir, and that is the correct position. But we cannot insist upon the armed forces to give up drink, simply because this Act is in force in this Province, during the temporary period of their stay in this Province. It would be unfair and unnecessary to do so, nor is it a practicable thing. Either we will have to give them individual permits or exempt them wholesale. I do submit, Sir, that there are certain occasions and circumstances when we have to do certain things, which though, we as individuals would not like to do, and in this we have to act according to the advice of the Government of India."

DR. V. K. JOHN:—"Is it suggested, Sir, that there is a conflict between the Government of India and the Madras Government over this matter?"

* THE HON. SRI K. MADHAVA MENON:—"There is no question of conflict of ideas between the Government of India and this Government, Sir. My submission to the House is that this is only a permissive legislation and a permissive legislation is necessary in the present case, to exempt armed forces during the period of their stay in this Province. However, Sir, I can assure my hon. Friend Mr. Narayana Rao that we shall take the matter up with the Central Government and see that even in the case of armed forces, the Prohibition Act is enforced in this Province."

DR. V. K. JOHN:—"Why not take it up with them first, Sir?"

* THE HON. SRI K. MADHAVA MENON:—"It is not possible at this stage to do so, Sir. The Ordinance has been issued and we will have to validate the action taken during the intervening period and also to replace the ordinance itself. That is the reason why we have to pass this validating measure, and as I promised, this question will be examined again and taken up with the Central Government and also with the army authorities. I certainly realize that if a thing is bad for the common people, it must be bad for the army also. But at the same time the Government must have power to grant exemptions in certain extreme cases and that is the reason for this amending bill."

"Sir, my hon. Friend the Leader of the Opposition charged us with inconsistency. I could not realize a greater inconsistency when he says that everybody should be given drink, but that the Armed Forces should not be given, and that they should not be

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poisoned. If anybody is not given drink, he must be glad that at least a portion is given drink. I can understand the position taken up by him if it is said that it is totally bad and that it should not be given to anybody. But I cannot understand the argument that it should be rationed out to everybody, and that it should not be given to these Armed Forces. Sir, the working of Prohibition and the policy of Prohibition are not quite germane to the amendment before us. My friend stated that it had cost us Rs. 20 crores. It is not Rs. 20 crores. (Interruption). Whatever that may be, it is stated we can take that Rs. 20 crores and use it for roads, education, industries, etc."

DR. V. K. JOHN :—" Not for illicit distillation."

* THE HON. SRI K. MADHAVA MENON :—" I can understand the argument of the Leader of the Opposition. My hon. Friend had an incident at Kodaikanal, and then perhaps he had the first occasion to know the mind of a crowd with regard to the illicit distillation. I can also tell him that I have met hundreds of crowds like that who have been drinking before. They have told me that they have been saved from this misery. Perhaps one stray person would have stated otherwise."

DR. V. K. JOHN :—" It may be to please the Ministers that they have stated so."

* THE HON. SRI K. MADHAVA MENON :—" Rupees 17 crores or whatever that is, is obtained mostly from the poorest of the poor. If my friend's sympathy and kindness for the poorest of the poor are so much, why should he not be merciful and say ' why this tax should be collected from these people; let them drink free.' That will be kindness shown to the poor man. But why should the Government ask the poor man to pay the tax, and with that tax give education to my children and your children, and construct hospitals? I can understand the argument ' do not have Prohibition and do not have excise revenue also; let people drink free.' But I do not understand the argument ' collect all the money from these people—it may be one per cent only—and spend this Rs. 17 crores for my education and your education.' "

DR. V. K. JOHN :—" Spend the money on those people who are drinking."

* THE HON. SRI K. MADHAVA MENON :—" I do not want to say anything further on the policy of Prohibition. Even before introduction of Prohibition there was illicit distillation."

DR. V. K. JOHN :—" Not to this extent."

* THE HON. SRI K. MADHAVA MENON :—" The Excise staff was preventing the illicit distillation. Even though there are illicit distillations now, my consolation is that the generation which has not been drinking will not go to that extent of illicit distillation which would otherwise be the case. Thousands of young men who

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would otherwise be spoiled will be saved from this drinking. Even if I save only the next generation, that will be a sufficient consolation for me. Sir, I have nothing more to add to what I have already stated. This is a necessary evil to have the power to grant, if occasion arises, permits to the Armed Forces, if they are in this Province, for some time. This is only a permissive provision which we shall try our best not to utilize. We shall also examine the position whether we cannot give up even this permissive amendment which is placed before the House."

THE DEPUTY PRESIDENT :—" I now put the motion of Dr. A. Lakshmanaswami Mudaliyar to the vote of the House. The motion is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949), as passed by the Legislative Assembly be referred to a Select Committee '."

The motion was declared lost. A poll was demanded and the House divided as follows :—

Ayes.

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| 1 Dr. V. K. John. | 4 Sri H. M. Jagannatham. |
| 2 Janab Abdul Latif Farookhi. | 5 Mrs. M. Hensman. |
| 3 Dr. A. Lakshmanaswami Mudaliyar. | 6 Sri R. Suryanarayana Rao. |

Noes.

- | | |
|---|-------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 7 Sri M. Narayana Rao. |
| 2 The Hon. Sri K. Madhava Menon. | 8 " N. Sankara Reddi. |
| 3 The Hon. Sri J. L. P. Roche Victoria. | 9 " T. Purushotham. |
| 4 Sri S. B. Adityan. | 10 " S. Jayaram Reddiyar. |
| 5 " L. Subbarama Reddi. | 11 Dr. P. S. Srinivasa Ayyar. |
| 6 " S. K. Satagopa Mudaliyar. | |

Ayes 6; Noes 11.

The motion was lost.

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

The motion was carried.

Clauses 2, 3, 1 and the Preamble were then put and carried.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
' that the Bill be passed into law.'

I am glad that the Opposition had an opportunity to hoist us with our own petard. Indeed it is a surprise to me that when this Bill came here in 1948, and when the Hon. Dr. Gurubatham moved it for consideration, there was not one speech from the Opposition. The clauses were passed without any speech. In the third reading stage also (when the motion was made that the Bill be passed into law), there was no speech at all. (Interruption by Dr. V. K. John). It is quite possible that most of us would not have thought of all

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the implications seriously. Then there might have been a little more consideration for the Armed Forces. Whatever that is, it is open to us to change our opinions, and to understand things better. That might have been the reason for so much opposition. There was not much opposition last time, and I am now surprised at so much opposition, though I feel that it is right that we should also try and see that the Armed Forces also are under the same restraints which other people are put to. It is of course desirable. But, as I stated earlier, there are certain instances where it may not be practicable. It may be that the Armed Forces are moving out of this Province within a month and they go to another province. Perhaps that may be the reason why it was thought necessary that we should have this permissive legislation. I shall try to work this Act and see that the Armed Forces are not allowed to have this weakness, which spoils them materially and economically. I move that the Bill be passed into law."

DR. V. K. JOHN :—" Sir, we know that the Hon. Mr. K. Madhava Menon will see what is right, and that our opposition will appeal to him. It has appealed to him really, and he may now try and see that this legislation is kept inoperative."

JANAB ABDUL LATIF FAROOKHI :—" Sir, perhaps the Hon. Minister has not gone through the whole proceedings. I remember last time I spoke against this particular amendment regarding Armed Forces."

SRI R. SURYANARAYANA RAO :—" Sir, when the Hon. Dr. Gurubatham introduced this Bill last time, he introduced it only for one year. But now the Government want to make it a permanent provision in the Prohibition Act. That is the reason for our objection."

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949), be passed into law '."

The motion was carried and the Bill was passed into law.

THE DEPUTY PRESIDENT :—" The House will now rise and meet at 2-45 p.m."

The House then adjourned for lunch.

(After lunch—2-45 p.m.)

Statement by Hon. the Law Minister.

* THE HON. SRI K. MADHAVA MENON :—" Sir, before we proceed, I want to correct a mistake I made this morning. I said that when the Prohibition Bill was introduced by Mr. Gurubatham, there was no discussion or opposition. It is a mistake. There were two Bills introduced. The Bill in which a provision was found

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that the armed forces were exempted from the provisions of the Bill was introduced by the late Mr. Daniel Thomas and the Hon. the Leader of the Opposition opposed it. I am sorry for the mistake."

(3) THE MADRAS DRUGS (CONTROL) BILL, 1949
(L.A. BILL NO. 28 OF 1949).

* THE HON. SRI J. L. P. ROCHE VICTORIA :—" Mr. Deputy President, Sir, I beg to move—

' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be taken into consideration at once '.

" As mentioned in the Statement of Objects and Reasons, as a preventive measure against the rise in prices of drugs after devaluation, it was considered necessary to control the sale, supply and distribution of drugs in the Province. Accordingly, the Madras Drugs (Control) Ordinance, 1949, was promulgated. This Bill is intended to replace this Ordinance. This Ordinance was passed at a time when as a result of devaluation it was feared that drugs might go out of the market, especially those coming from foreign countries, or the prices might be unnecessarily enhanced and it might be difficult for the people to get necessary drugs. So, it was considered essential to immediately introduce an Ordinance to control the sale, supply and distribution of drugs. But still it is meant generally to control the prices and necessary provisions have been introduced into the Bill to fix the maximum price or rate which may be charged by a dealer or producer in respect of any drug. I request that the Bill may be taken into consideration at once. "

THE DEPUTY PRESIDENT :—" Motion moved—

' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, I am very glad that as soon as devaluation took place, this Government perhaps on the instruction of the Government of India, passed the Drugs Control Ordinance. But it may be remembered that during the war-time too we had Drug Control Order and the provisions were more or less the same. But in that Order a distinction was sought to be made between the consumer, dealer, manufacturer, wholesale dealer and a retailer. In this Bill in many clauses they are all clubbed together. In that Order too the maximum quantity which at any time a dealer can possess was laid down in the following words :—

' No person other than a manufacturer, importer, wholesaler or retailer shall at any time have in his possession or under his control any drugs in excess of his normal requirements; and no wholesaler or retailer shall have in his possession or under his control at any time any drugs in excess of the quantity reasonably required to be held by him for the purposes of his business.'